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SUMMARY RECORD OF THE 56th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 April 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 10.50 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued)

(E/CN.4/1997/5, 6 and Add.1 and 2, 8, 9, 12 and Corr.1 and Add.1 and Corr.1, 48-50, 51 and Add.1, 52-54, 55 and Corr.1, 56-59, 60 and Add.1, 61, 62 and Add.1, 63, 64, 113, 114, 118, 123-125, 129 and 132; E/CN.4/1997/NGO/3-6, 12, 14-17, 21, 25, 27 and 37; A/51/457, 460, 466, 478, 479, 481, 490, 496, 538 and 542/Add.2)

1. Mr. VAN DER STOEL (Special Rapporteur on the situation of human rights in Iraq), introducing his report (E/CN.4/1997/57), said that yet another year had gone by with no improvement in the situation in Iraq. In fact, the Iraqi Government appeared to be responsible for longstanding, widespread and systematic human rights violations, and he had come to the conclusion that the political and legal order in Iraq was at the root of that situation. That meant that the violation of human rights in Iraq was not only systematic, but fundamentally inherent in the system. There was no rule of law in Iraq and all power was concentrated in the hands of the President. The freedoms of opinion, expression, association and assembly were non-existent, a fact which resulted in widespread violations of the right to liberty and to personal security. Thus, it was not surprising that he was receiving reports of arbitrary arrests, detentions and executions. One especially cruel aspect of the situation was the systematic practice of enforced disappearance. According to the report of the Working Group on Enforced and Involuntary Disappearances, Iraq, with 16,199 cases still unresolved, had the worst record in the world in that regard. Moreover, that figure did not include Kuwaitis and third-country nationals who had disappeared following Iraq's illegal occupation of Kuwait.

2. In view of the large number of disappearances, he was disturbed by the fact that the Iraqi Government appeared unwilling to make any effort to help families to discover the fate of their loved ones. That attitude was indicative of the Iraqi Government's general attitude with regard to human rights.

3. The fate of the Kurdish and non-Kurdish population living in the north of Iraq was a source of particular concern. In his interim report to the General Assembly (A/51/496/Add.1), he had reported the violent attack on 31 August 1996 by over 30,000 Iraqi troops, backed by tanks and artillery, against the city of Arbil, capital of the predominantly Kurdish autonomous region. The Government had argued that its intervention had been requested by the President of the Kurdish Democratic Party (KDP), which had sought to regain control of the city from the Patriotic Union of Kurdistan (PUK). In any case, the use of such disproportionate force against civilian targets was incompatible with Iraq's obligations under international human rights law and international humanitarian law. In fact, that attack had also been aimed at quelling opposition and combating the influence of persons in the region who were considered hostile to the Government. There again, the behaviour of the

Iraqi troops, who had engaged in arbitrary and summary executions, including at least one mass execution, was totally incompatible with Iraq's international obligations.

4. In the face of such terror, large numbers of persons had again chosen to flee the country. Those who had been unable to cross the border were scattered in northern Iraq, where they were living in precarious health and economic conditions and far from the regular forces of the Government of Iraq, but at the mercy of Iraqi agents who were known to kill with impunity.

5. He welcomed the fact that the implementation of Security Council resolution 986 (1995) was progressing. According to recent reports, the Sanctions Committee had approved over 40 contracts for the sale of oil. Of the $750 million in resulting revenue, $519 million had been spent on humanitarian supplies and $236 million had been paid to the Compensation Fund. As of the end of March 1997, the Sanctions Committee had approved 57 contracts for the purchase of foodstuffs and medicines, and the first cargo of Thai rice had been delivered to the port of Umm Qasr. The value of the Iraqi dinar had soared, making commodities more affordable to the population, but the problem of the equitable distribution of available resources, including the newly purchased humanitarian supplies, remained a source of concern. As of early April, 115 international observers from various United Nations agencies had been deployed in the country, but that international presence would be insufficient owing to the long experience of the Iraqi authorities in avoiding their obligations. In that connection, he noted that the international observers were still not free to move throughout the country in order to ensure that the benefits of the sale of oil were really distributed to the very large number of people in genuine need.

6. In any case, so long as the political and legal order in Iraq remained unchanged, the Iraqi Government would never comply with its international obligations and the people would not be free to live in dignity or to realize their aspirations.

7. Mr. ALDOURI (Observer for Iraq) began by emphasizing that information sources were a primary factor in the credibility of the Special Rapporteur, who had relied primarily on two sources: agents having connections with foreign States and the Central Intelligence Agency (CIA), whose hostile attitude towards Iraq was well-known. The events which had taken place in northern Iraq since 31 August 1996 and which had been reported by numerous press agencies had, moreover, demonstrated the extent to which the so-called Iraqi opposition groups were linked to the CIA.

8. With regard to the alleged violations of civil and political rights, the Special Rapporteur had tended to repeat his previous remarks about the legal and political nature of the Iraqi Government. He had stated that Iraq had not met its obligations under article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights. That statement was totally false since the Iraqi people, including ethnic and religious minorities, were free to express their opinions through associations, social gatherings, the press, radio and television. In Iraq, the collective will had been expressed through elections to the National Assembly, the 1995 referendum on the Presidency, which had been attended by

hundreds of politicians and media representatives, and the 1996 elections to the People's Councils. The Government of Iraq had already responded to those allegations in detailed reports presented to the Third Committee of the General Assembly and to the Commission on Human Rights.

9. With regard to the events of 31 August 1996, the central Government had provided support to the Kurdish people in the north of the country, at the request of one of the Kurdish factions, in a limited operation with almost no casualties. The Iraqi troops had then withdrawn to their bases, as confirmed by all observers. Those events had made it clear that America and its agents were attempting to destabilize the national Government and the country as a whole, a fact which had become obvious when the United States had begun to evacuate its agents - the so-called Iraqi opposition - to Guam.

10. With regard to "disappearances", the Iraqi Government had spared no effort to reply to the inquiries made by the Working Group on Enforced or Involuntary Disappearances. However, it recognized that some disappearances were linked to the serious problems which Iraq had faced during the eight-year war with Iran and the riots which had broken out in the wake of military coalition aggression against Iraq in 1991. The question of the missing Kuwaitis was currently being studied by the competent bodies - the Tripartite Committee and its technical subcommittee under the auspices of the International Committee of the Red Cross (ICRC). Despite the fact that Iraq had cooperated fully in that area, some were seeking to politicize that humanitarian problem in order to prolong the embargo.

11. In that respect, he was surprised that the Special Rapporteur had concentrated on the psychological and other types of suffering of the relatives of the missing persons yet had paid no attention to the terrible fate of the 4 million Iraqi children under the age of 5 who, according to the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP), faced death or, as stated by the UNICEF representative in Baghdad, died each month of malnutrition and other diseases.

12. The Special Rapporteur continued to confine himself to stylistic phrases about dictatorship and the suppression of freedom of expression and opinion, adding nothing new to his old allegations. With regard to the right to adequate food and health care, the Commission would recall that, on 20 May 1996, Iraq and the United Nations had signed a Memorandum of Understanding on practical procedures for the implementation of Security Council resolution 986 (1995). Surprisingly, the Special Rapporteur had yet to mention that right and, since the beginning of his mandate in 1991, had totally ignored the Iraqi people's hardships in that regard. In his report, the Special Rapporteur had noted the delay in the distribution of humanitarian supplies, but the Iraqi delegation wished that he had also spoken out about those who were blocking those supplies and that he had asked them to implement resolution 986 (1995) in an objective manner free from political considerations.

13. The Special Rapporteur's conclusions were unbalanced and ignored the progress made in the promotion of democracy and human rights. In fact, the Special Rapporteur had merely reiterated the false allegations and accusations

contained in his previous reports, which reflected hostile political attitudes towards Iraq aimed at fragmenting the country and destroying its national unity.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEMS 5, 19, 16 AND 8

Draft resolution under agenda item 5

Draft resolution E/CN.4/1997/L.26/Rev.1 (Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights)

14. Mr. CARMO (Observer for Portugal), introducing the draft resolution, said he welcomed the spirit of compromise displayed during its preparation. The draft reflected the far-reaching proposals made by the Committee on Economic, Social and Cultural Rights, such as the adoption of a plan of action which would increase its ability to assist Governments in carrying out their reporting obligations, the appointment of a special rapporteur on economic, social and cultural rights and the possibility of submitting communications concerning non-compliance with the provisions of the Covenant. It therefore requested the Secretary-General to submit a report on the views and reactions of the interested parties concerning these proposals so that the Commission could decide what action was to be taken. The sponsors hoped that the draft resolution, which had in some ways departed from the traditional framework in order to reflect more accurately the current international human rights agenda, would be adopted without a vote.

15. Mrs. KLEIN (Secretary of the Commission) announced that Canada, Ireland, Austria, India, Hungary, Cape Verde, Australia, the Philippines and Sweden had become sponsors of the draft resolution.

16. Mr. DENNIS (United States of America) said the United States attached great importance to the proclamation in the Universal Declaration of Human Rights that everyone had the right to a standard of living adequate for the health and well-being of himself and his family, including food and housing. He welcomed the draft resolution's endorsement of the Istanbul Declaration on Human Settlements, the Habitat Agenda, the Rome Declaration on World Food Security and the World Food Summit Plan of Action, all of which recognized the importance of the full and progressive realization of the right to adequate shelter and safe and nutritious food and the responsibility of Governments and role of the private sector and civil society in that regard. To that end, his Government was taking further steps to improve global food security and access to housing and, in cooperation with non-governmental organizations (NGOs), was developing initiatives in response to the commitments made at Rome and Istanbul.

17. The United States was pleased to join the consensus on a draft resolution which dealt with recognized rights and aspirations to the extent that it promoted human development in an integrated and sustainable way, recognized the centrality of the individual and the attainment of civil and

political rights and had a practical and realistic orientation, despite the fact that some of its elements - such as the possibility of carrying out a study of the effects of structural adjustments - did not meet those criteria.

18. Draft resolution E/CN.4/1997/L.26/Rev.1 was adopted without a vote.

Draft resolution under agenda item 19

Draft resolution E/CN.4/1997/L.38 (Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief)

19. Mr. BIGGAR (Ireland), introducing the draft resolution, read out a number of revisions to which the sponsors had agreed. First, paragraph 2 was amended in the following manner in order to reproduce the exact title of the Declaration:

> "Expresses grave concern at and condemns all forms of intolerance and of discrimination based on religion or belief;".

It had been decided to combine paragraphs 3 (c) and (g) to read:

> "In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, including practices which violate the human rights of women and discriminate against women;".

In the English text of paragraph 3 (f), the words "to exert utmost efforts" had been moved to the beginning of the sentence.

20. For stylistic reasons, the word "including" in paragraph 6 of the English text should be replaced by "inter alia through". Paragraph 8 had been amended to read:

> "Welcomes the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;".

In paragraph 9, the word "elements" had been replaced by "actors". Last, paragraph 11 had been amended to read:

> "Considers it desirable to enhance the promotional and public information aspect of the United Nations in matters relating to freedom of religion or belief and to ensure, as a matter of priority, the widest possible dissemination of the text of the Declaration by United Nations information centres, as well as by other interested bodies;".

The authors hoped that the amended text would be adopted without a vote as in previous years.

21. Mrs. KLEIN (Secretary of the Commission) announced that the following States had become sponsors of the draft resolution: San Marino, Bulgaria, Greece, Chile, Tunisia, Israel, Croatia, South Africa, India, United Kingdom, Estonia, New Zealand, Czech Republic, El Salvador, Belgium, Philippines, Uruguay, Poland, United States of America, Venezuela, Senegal, Ukraine and Togo.

22. Draft resolution E/CN.4/1997/L.38, as amended, was adopted without a vote.

Draft resolutions and decisions under agenda item 16

Draft resolution E/CN.4/1997/L.34 (Traffic in women and girls)

23. Ms. BAUTISTA (Philippines), introducing the draft resolution, read out the revisions on which the sponsors had agreed. The beginning of paragraph 4 had been amended to read:

> "Invites Governments to take steps to ensure for victims of trafficking the respect of all their human rights and fundamental freedoms;".

The remainder of the paragraph had become a new paragraph, reading:

> "Also invites Governments, with the support of the United Nations, to formulate manuals for the training of personnel who receive and/or hold in temporary custody victims of gender-based violence, including trafficking, with a view to sensitizing them to the special needs of victims;".

The other paragraphs had been renumbered accordingly. Paragraph 6 (new paragraph 7) had been amended to read:

> "Notes with appreciation the reports of the Special Rapporteurs on violence against women and on the sale of children, child prostitution and child pornography, particularly with respect to the traffic in persons, and encourages them to continue to address this problem among their priority concerns;".

The sponsors hoped that the draft resolution would be adopted without a vote.

24. Mrs. KLEIN (Secretary of the Commission) said that Germany, the Czech Republic, Uruguay, Portugal, Madagascar, Belgium, Chile, Bangladesh and Egypt had become sponsors of the draft resolution.

25. Draft resolution E/CN.4/1997/L.34, as orally amended, was adopted.

Draft decision E/CN.4/1997/L.39 (Human rights of persons with disabilities)

26. Mr. DENHAM (Ireland), introducing the draft decision, said that the proposal to consider the matter on a biennial basis in no way implied that its importance had declined. On the contrary, the initiative would make it possible to integrate the issue of disability more effectively into the work

of the Commission in 1998, the fiftieth anniversary of the Universal Declaration of Human Rights. Furthermore, the decision included an invitation for the Special Rapporteur on disability of the Commission for Social Development to participate in the fifty-fourth session of the Commission. His delegation hoped that the draft decision would be adopted without a vote.

27. Mrs. KLEIN (Secretary of the Commission) announced that the Czech Republic and Venezuela had become sponsors of the draft decision.

28. Mr. COMBA (Centre for Human Rights), explaining the financial implications of the draft decision, said that the expenses associated with the participation of the Special Rapporteur of the Commission for Social Development would amount to approximately US$ 3,000, to be covered under the "travel expenses" heading in the Commission's 1998-1999 budget.

29. Mr. VAN WULFFTEN PALTHE (Netherlands) said that by covering the costs of participation of experts from other committees in that way, the Commission might compromise the activities of its own special rapporteurs. He therefore asked whether it would not be possible to cover that cost under another item of expenditure.

30. Mr. COMBA (Centre for Human Rights) said it was rare for the travel budget to be fully spent. The necessary sum was fairly small and could easily be absorbed.

31. Draft decision E/CN.4/1997/L.39 was adopted without a vote.

Draft resolution E/CN.4/1997/L.41 (Contemporary forms of slavery)

32. Mr. VAN WULFFTEN PALTHE (Netherlands), introducing the draft resolution, said it dealt with an important problem which was associated with other matters considered by the Commission and required careful preparation. It was therefore recommended that it should be examined on a biennial basis in order to permit a better grasp of the problems involved. The sponsors hoped that the draft resolution would be adopted without a vote.

33. Mrs. KLEIN (Secretary of the Commission) announced that Canada, Madagascar, Norway, Poland and the Czech Republic had become sponsors of the draft resolution.

34. Draft resolution E/CN.4/1997/L.41 was adopted without a vote.

Draft resolution E/CN.4/1997/L.42 (Minimum humanitarian standards)

35. Mr. WILLE (Observer for Norway), introducing the draft resolution, said that the sponsors were concerned at the large number of situations where internal violence undermined the protection of human rights and entailed extensive suffering and violations of the principles of humanity which should govern the behaviour of all persons, groups and public authorities. They recognized the desirability of identifying principles applicable to all situations in a manner consistent with international law.

36. The Commission should, therefore, request the Secretary-General, in cooperation with ICRC and bearing in mind the information from Governments, the relevant United Nations agencies and bodies, and intergovernmental and non-governmental organizations and the issues raised at the International Workshop on Minimum Humanitarian Standards, held at Cape Town in September 1996, to prepare an analytical report on the issue of fundamental standards of humanity and to submit that report to the Commission at its fifty-fourth session.

37. The sponsors hoped that the draft resolution, which was the result of extensive consultations, would be adopted without a vote.

38. Mrs. KLEIN (Secretary of the Commission) announced that Ireland, the United States of America, Liechtenstein, Ukraine and Israel had become sponsors of the draft resolution.

39. Mr. ALFONSO MARTINEZ (Cuba) thanked the delegation of Norway for having agreed to several of the suggestions made by his own delegation during consultations and said that the words "internal violence" in the first preambular paragraph lent themselves to all kinds of interpretations and should therefore be defined from the point of view of international law. The same was true of the words "principles applicable to all situations" in operative paragraph 1. His delegation considered that the words "the rule of law" in operative paragraph 2 meant that each State was required to respect both its own legislation and the international legal commitments freely entered into. Those few points having been clarified, his delegation would not oppose adoption of the draft resolution without a vote.

40. Mr. SINGH (India), referring to operative paragraph 4, which called upon the Secretary-General to submit to the Commission an analytical report on the issue of fundamental standards of humanity, said he believed that the distinction between humanitarian law and human rights law should be maintained. Attempts to combine the two would only lead to a dilution of existing standards. Moreover, even at the Workshop held in Cape Town, there had been no consensus on the need to identify such fundamental standards of humanity. His delegation was not convinced that it was feasible to entrust such a task to the Secretary-General until that very complex issue had been further discussed, particularly by academics, NGOs and ICRC.

41. His delegation would not oppose adoption of the draft resolution without a vote but, should it be put to a vote, would abstain.

42. Draft resolution E/CN.4/1997/L.42 was adopted without a vote.

Draft resolution E/CN.4/1997/L.43 (Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities)

43. Mr. HÖYNCK (Germany) said that while many members of the Commission had stated during the discussions under agenda item 16 that they welcomed the Sub-Commission's efforts to improve its methods of work, they had nevertheless been convinced of the urgent need to undertake additional reforms. The draft resolution had been prepared with that end in view.

44. As a result of suggestions that had been made, the sponsors of the draft resolution proposed the words "unless, in" in the third line of paragraph 3 (b) should be replaced by the words "and furthermore limit action to" and that the words "of which a member of the Sub-Commission is a national" at the end of paragraph 3 (d) should be replaced by the words "specific country". He hoped that the draft resolution would be adopted without a vote.

45. Mrs. KLEIN (Secretary of the Commission) announced that the following States had become sponsors of the draft resolution: Argentina, Poland, Peru, Hungary, Madagascar, Sweden, Japan, New Zealand, United States of America, Luxembourg and Russian Federation.

46. Mr. ALFONSO MARTINEZ (Cuba) said that the amendments just made would enable his delegation to support the draft resolution.

47. Draft resolution E/CN.4/1997/L.43, as orally amended, was adopted.

Draft decision 2 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41) (Traditional practices affecting the health of women and children)

48 Mr. COMBA (Centre for Human Rights), explaining the financial implications of the draft decision, under which the mandate of the Special Rapporteur on traditional practices affecting the health of women and children would be extended for a further two years, said that the sum of US$ 13,000 to cover the Special Rapporteur's travel expenses would be included in the proposed programme budget for the biennium 1998-1999. The 1997 expenses would be covered by funds allocated under section 21 of the programme budget for the biennium 1996-1997.

49. Draft decision 2 recommended by the Sub-Commission was adopted without a vote.

50. The CHAIRMAN invited delegations to explain their vote on the draft resolutions and decisions under agenda item 16.

51. Mr. STEEL (United Kingdom) said the United Kingdom reserved the right to revert to the subject of the financial implications of draft decision E/CN.4/1997/39 in the Economic and Social Council. At that time, he would also raise the question of why the travel budget for the Commission's Special Rapporteurs was apparently not being fully used.

52. Mr. DENHAM (Ireland) said that if meeting the costs of the activities called for under draft decision E/CN.4/1997/L.39 posed a problem, his Government was prepared to cover them.

Draft resolutions and decisions under agenda item 8

Draft decision E/CN.4/1997/32 (Children and juveniles in detention)

53. Mr. STROHAL (Austria), introducing the draft decision, said that great progress had been made during the previous years with regard to the

implementation of international standards of human rights in the administration of justice, particularly with regard to children and juveniles in detention. That progress had been due in part to implementation of technical cooperation programmes and to the activities of the High Commissioner for Human Rights and the Commission on Crime Prevention and Criminal Justice. In order for the Commission to improve its methods of work, it should decide to follow the General Assembly's example in considering the question, with all due attention, on a biennial basis.

54. Mrs. KLEIN (Secretary of the Commission) announced that Romania, the Czech Republic and Equatorial Guinea had become sponsors of the draft decision.

55. Draft decision E/CN.4/1997/L.32 was adopted without a vote.

Draft resolution E/CN.4/1997/L.49 (Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers)

56. Mr. DEKANY (Observer for Hungary), introducing the draft resolution, said that the word "Offenders", in the sixth preambular paragraph should be followed by the words "held at Cairo from 29 April to 8 May 1995,".

57. The independence of the judiciary was one of the primary pillars of democracy, the rule of law and respect for human rights. In the draft resolution, which was based on the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and the Commission's own previous resolutions on the matter, the Commission recalled the relevant General Assembly resolutions, the Declarations adopted at Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific and at Cairo in November 1995 by the Third Conference of Francophone Ministers of Justice and the recommendations made by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

58. Noting with concern the increasingly frequent attacks on the independence of judges, lawyers and court officers, the Commission acknowledged the importance of the Special Rapporteur being able to cooperate closely with the Centre for Human Rights in the field of advisory services. As in previous years, it noted with appreciation the determination of the Special Rapporteur to achieve wide dissemination of information about existing standards. It also urged Governments to assist the Special Rapporteur in the discharge of his mandate, which it decided to extend for a further period of three years.

59. He hoped that the draft resolution, which was the result of extensive consultations, would, as in previous years, be adopted without a vote.

60. Mrs. KLEIN (Secretary of the Commission) announced that Liechtenstein and Senegal had become sponsors of the draft resolution.

61. Mr. COMBA (Centre for Human Rights) said that in order for the Special Rapporteur to carry out his mandate, $68,000 would be earmarked under the

proposed programme budget for the biennium 1998-1999. The 1997 expenses would be covered under section 21 of the programme budget for the biennium 1996-1997.

62. Draft resolution E/CN.4/1997/L.49, as orally amended, was adopted without a vote.

Draft resolution E/CN.4/1997/L.50 (Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment)

63. Ms. THOMPSON (Observer for Costa Rica), introducing the draft resolution, said the purpose of the draft optional protocol was to set up a preventive system of regular visits to places of detention. The Commission would extend the mandate of the working group on the draft optional protocol with a view to finalizing that instrument. The sponsors hoped that the draft resolution would, as in previous years, be adopted without a vote.

64. Mrs. KLEIN (Secretary of the Commission) announced that Estonia, Canada, Colombia, Belarus, Venezuela and Ecuador had become sponsors of the draft resolution.

65. Mr. COMBA (Centre for Human Rights) said that the cost of the services to be provided to the working group would be met from section 26 (Conference services) of the programme budget for the biennium 1996-1997.

66. Draft resolution E/CN.4/1997/L.50 was adopted without a vote.

Draft resolution E/CN.4/1997/L.51 (Torture and other cruel, inhuman or degrading treatment or punishment)

67. Mr. FREDERIKSEN (Denmark), introducing the draft resolution, drew the attention of the members of the Commission to the fact that, after further consultations, the sponsors had agreed to delete the words "especially those mentioned by the Special Rapporteur in his report," from paragraph 27.

68. After summarizing the main provisions of the draft (second preambular paragraph and operative paragraphs 12, 17, 18 and 33), he noted that the text submitted to the Commission was the result of lengthy, open-ended consultations between a large number of sponsors and interested delegations. His Government considered the elimination of torture to be a priority. The draft resolution that had been submitted would contribute to the achievement of that goal, and the sponsors hoped that it would be adopted without a vote.

69. Mrs. KLEIN (Secretary of the Commission) announced that the following States had become sponsors of the draft resolution: Sweden, Bulgaria, United States of America, South Africa, Lithuania, Madagascar, Ireland, New Zealand, United Kingdom, Costa Rica, France, Belgium, Australia, Poland, Portugal, Belarus and Venezuela.

70. Mr. LI Baodong (China) said that in recent years, China had consistently supported the resolutions on the question of torture. During the current session, his delegation had once again participated actively in the

consultations in the hope that the draft resolution could be adopted by consensus. Unfortunately, owing to the fact that one of the sponsors had done its best to ensure that the proposals of China and other States, however reasonable, were ignored, it had been impossible to arrive at a consensus on paragraphs 18 and 27. His delegation welcomed the fact that paragraph 27 had been amended, but that was not enough. He considered it inappropriate to commend the Special Rapporteur on his report since some of the allegations it contained were utterly unfounded. That opinion, moreover, was shared by many delegations.

71. His delegation requested a roll-call vote on the draft resolution and intended to abstain from voting on it.

72. Mr. ZAHRAN (Egypt) said that his country, which was a party to the Convention against Torture, condemned that practice, which could not be justified on any pretext. In response to the observations of the Chinese delegation, he suggested that the words "Commends the Special Rapporteur on his report" in paragraph 18 should be replaced by "Takes note of the report of the Special Rapporteur" since that wording was likely to be acceptable to all delegations.

73. Mr. J.A. FERNANDEZ (Cuba) said his delegation had also participated in the consultations on the draft resolution and that not all of the amendments it had proposed had been included in the text. However, he acknowledged the efforts made by Denmark. With regard to the observations made by the representatives of China and Egypt, he proposed that the Commission should devote somewhat more time to the issue in order to make it possible for that important draft resolution to be adopted by consensus.

74. Mr. HYNES (Canada) said that in the Commission's previous resolutions on the matter it had always commended the Special Rapporteur on his report, and he did not see why it should not do so again at its current session. The Special Rapporteur had submitted a complete, well-documented and fair report, and it would not be fair to him simply to take note of it. For all those reasons, his delegation asked China to reconsider its position on the matter.

75. Mr. STEEL (United Kingdom) said that he appreciated the Egyptian delegation's efforts to find a compromise solution but that the stakes were too high for him to accept the proposed wording. He did not understand why the Chinese delegation was making such an issue of paragraph 18 since the wording in question had already been used in previous resolutions without any opposition from the Chinese delegation. For obvious reasons, the question of torture was central to the concerns of the international community. To alter the wording of paragraph 18 of the draft resolution, as some had proposed, might give the impression that the Commission did not attach due importance to the question of torture. His delegation therefore asked China to reconsider its position.

76. Mr. LI Baodong (China) said for many years his country had actively contributed to adoption of the draft resolutions on torture by consensus. If there had been problems during the current session, it was because of the attitude of one of the sponsors. Having regard to the proposals made by Egypt

and Cuba, and in a spirit of compromise, he associated himself with the proposal that more time should be devoted to consultations on the draft resolution.

77. Mr. DEMBRI (Algeria) expressed surprise at the direction the discussion was taking since all delegations appeared to accept the substance of the draft resolution. Personally, he fully agreed with the current wording of paragraph 18 and saw no great difference between that wording and the one proposed by the representative of Egypt. To take note of the report was also a way of saying that it was interesting and of recognizing the quality of the work that had been done. Since it was important for the draft resolution to be adopted by consensus, he saw no reason why the delegations concerned should not hold further consultations in order to find a solution.

78. Mr. VERGNE SABOIA (Brazil) said that if the draft resolution was put to a vote, he would vote in favour. However, he would prefer further efforts to be made in order to achieve consensus.

79. Mr. SIMKHADA (Nepal) supported the proposal of the Egyptian delegation.

80. The CHAIRMAN said that since the majority of delegations appeared to support the Cuban delegation's proposal, he proposed that the Commission should postpone its decision on draft resolution E/CN.4/1997/L.51 until later in the day.

81. It was so decided.

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82. Mr. CARMO (Observer for Portugal), introducing the draft resolution, said that its preparation had been influenced by incidents which had occurred during the past few months and which had led the President of the Security Council to make a statement on 12 March in which he had expressed grave concern at the recent proliferation of attacks and increased use of force against United Nations and other personnel acting under the authority of the United Nations operations as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting and other hostile acts.

83. The Secretary-General was requested to take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations staff members and to commission a comprehensive study to shed further light on the safety and security problems faced by those staff members, taking into account the evolution of the nature of United Nations missions around the world.

84. The draft also mentioned the status of the Convention on the Safety of United Nations and Associated Personnel and called upon States to promptly become parties thereto. The sponsors also emphasized the importance of the relevant principles on protection found in the Conventions relating to the privileges and immunities of the United Nations and the specialized agencies.

85. The United Nations Staff Association had made useful comments on the draft. Since the draft resolution was the result of wide consultations between all the regional groups, the sponsors hoped that it would be adopted without a vote.

86. Mrs. KLEIN (Secretary of the Commission) announced that Norway, Poland, the United Kingdom, Malta, New Zealand, Australia, Madagascar, Liechtenstein and Egypt had become sponsors of the draft resolution.

87. Ms. PEREZ DUARTE y NOROÑA (Mexico) said she supported the provisions of the draft resolution. However, she wished to point out that when the General Assembly had adopted resolution 49/59, opening the Convention on the Safety of United Nations and Associated Personnel for signature, Mexico had stated in explanation of vote that, while it recognized the importance of protecting United Nations personnel and had supported the negotiations in a spirit of conciliation and cooperation, it considered that time was required in order to clarify certain principles governing relations between States and United Nations peace-keeping operations. She therefore hoped that the lack of clarity of that Convention would not hinder its implementation.

88. Draft resolution E/CN.4/1997/L.53 was adopted without a vote.

The meeting rose at 1.05 p.m.